

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
WACO DIVISION**

K.MIZRA LLC,

Plaintiff,

v.

CISCO SYSTEMS, INC.,

Defendant.

Civil Action No.: 6:20-cv-01031-ADA

Jury Trial Demanded

**JOINT MOTION FOR DISMISSAL OF U.S. PATENT NO. 8,965,892
PURSUANT TO STIPULATION**

Plaintiff K.Mizra LLC ("K.Mizra") and Defendant Cisco Systems, Inc. ("Cisco") (collectively, "the Parties") respectfully move for dismissal of U.S. Patent No. 8,965,892 ("the '892 Patent") from the above-captioned action (including all claims, defenses, and counterclaims in this action related to the '892 Patent), in accordance with the stipulations herein and accompanying proposed order.

In its Complaint, K.Mizra alleged that Cisco infringes two patents: (1) U.S. Patent No. 8,234,705 ("the '705 Patent") and (2) the '892 Patent. *See* ECF No. 1 ¶¶ 34-60. An *inter partes* review ("IPR") of the '892 Patent was initiated in the U.S. Patent and Trademark Office before the Patent Trial and Appeal Board ("PTAB"), which resulted in the PTAB's determination that the '892 Patent claims asserted in this case are invalid. *See* ECF No. 58; *see also* Case No. IPR2021-00594. The '705 Patent and its claims were not at issue in or implicated by the IPR. K.Mizra stipulates that it will not assert or allege that Cisco infringes or has infringed any claim of the '892 Patent in this or any other action.

Accordingly, the Parties hereby jointly stipulate to the dismissal with prejudice of all claims, defenses, and counterclaims in this litigation related to the '892 Patent, with each party to bear its own fees and costs related to such claims, defenses, and counterclaims. Finally, the Parties stipulate that this filing relates solely to the '892 Patent and does not implicate any claims, defenses, or counterclaims related to the '705 Patent, which remains at issue in this case and are preserved.

The Parties respectfully request that the Court grant their Joint Motion for Dismissal of U.S. Patent No. 8,965,892 Pursuant to Stipulation.

Dated: January 10, 2023

By: /s/ Angela J. Bubis

Michael C. Smith
Texas Bar No. 18650410
michael.smith@solidcounsel.com
Scheef & Stone, LLP
113 E. Austin Street
Marshall, TX 75670
(903) 938-8900

Robert R. Brunelli*
CO State Bar No. 20070
rbrunelli@sheridanross.com
Paul Sung Cha*
CO State Bar No. 34811
pscha@sheridanross.com
Angela J. Bubis*
CO State Bar No. 58144
abubis@sheridanross.com
SHERIDAN ROSS P.C.
1560 Broadway, Suite 1200
Denver, CO 80202
Telephone: 303-863-9700
Facsimile: 303-863-0223
litigation@sheridanross.com

*Admitted pro hac vice
Attorneys for Plaintiff K.Mizra LLC

Respectfully submitted,

By: /s/ Melissa Richards Smith

Elizabeth Rogers Brannen
Kenneth J. Halpern
Sarah Rahimi
Stris & Maher LLP
777 South Figueroa Street, Suite 3850
Los Angeles, CA 90017
Telephone: (213) 995-6809
Fax: (213) 261-0299
Email: ebrannen@stris.com
khalpern@stris.com
srahimi@stris.com

Melissa Richards Smith
Gillam and Smith, LLP
303 South Washington Avenue
Marshall, TX 75670
Telephone: (903) 934-8450
Fax: (903) 934-9257
Email: melissa@gillamsmithlaw.com

James Travis Underwood
Gillam & Smith
102 N. College, Suite 800
Tyler, TX 75702
Telephone: (903) 934-8450
Fax: (903) 934-9257
Email: travis@gillamsmithlaw.com

Attorneys for Defendant Cisco Systems, Inc.

CERTIFICATE OF SERVICE

I hereby certify that on the 10th day of January 2023, I electronically filed the foregoing with the clerk of Court using the CM/ECF system, which will send notification of such filing to all counsel of record.

By: /s/ Angela J. Bubis
Angela J. Bubis*
CO State Bar No. 58144
abubis@sheridanross.com
SHERIDAN ROSS P.C.
1560 Broadway, Suite 1200
Denver, CO 80202
Telephone: 303-863-9700
Facsimile: 303-863-0223
litigation@sheridanross.com

**Admitted pro hac vice*
Attorney for Plaintiff K.Mizra LLC